

Message Text

LIMITED OFFICIAL USE

PAGE 01 BERLIN 09322 01 OF 02 231734Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 EB-08 USPS-01 /068 W
-----004491 231742Z /50/53
R 231307Z DEC 77
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC 6328
INFO AMEMBASSY BONN

LIMITED OFFICIAL USE SECTION 01 OF 02 BERLIN 09322

C O R R E C T E D C O P Y - T E X T (P A R A 2 . (T H R O U T H O U T))

E.O. 11652: N/A
TAGS: ACLM, GE, GW
SUBJECT: GDR MFA NOTE ON DISPUTED MAURITIUS-HAWAII
POSTAGE STAMPS.

REF: BERLIN 8401

1. GDR MFA USA DESK OFFICER ELM CALLED DCM TO FOREIGN
MINISTRY DECEMBER 22 TO PRESENT NOTE (RV 250/77) AND
PHOTOGRAPH SEEKING TO ESTABLISH GDR CLAIM TO OWNERSHIP
OF MAURITIUS-HAWAII POSTAGE STAMPS (REFTEL). FOLLOWING IS
INFORMAL EMBASSY TRANSLATION OF NOTE, COPY OF WHICH AND
PHOTOGRAPH ARE BEING POUCHED TO EUR/CE ATTN. VICTOR GRAY.

2. BEGIN TEXT:

THE MINISTRY OF FOREIGN AFFAIRS OF THE GERMAN DEMOCRATIC
REPUBLIC PRESENTS TO THE EMBASSY OF THE UNITED STATES OF
AMERICA IN THE GERMAN DEMOCRATIC REPUBLIC ITS COMPLIMENTS
AND TAKES THE OCCASION TO PRESENT THE FOLLOWING, ELABOR-
ATING UPON THE MATTER PRESENTED IN THE NOTE NO. RV 239/
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BERLIN 09322 01 OF 02 231734Z

77 OF THE MINISTRY OF FOREIGN AFFAIRS OF THE GDR OF
11 NOVEMBER 1977:

THE FOLLOWING POSTAGE STAMPS, RECENTLY DISCOVERED IN THE
USA, BELONG TO THE POSTAGE STAMP COLLECTION OF THE FORMER
REICHS POSTAL MUSEUM IN BERLIN, LEIPZIGER STRASSE 15:

- MAURITIUS, 1 PENNY, ORGANGE-RED, FROM 1847 (ACQUIRED BY THE REICHS POSTAL MUSEUM IN THE YEAR 1898).

- MAURITIUS, 2 PENNIES, DARK BLUE, AFFIXED TO A LETTER, FROM 1847 (ACQUIRED BY THE REICHS POST MUSEUM IN THE YEAR 1904 FROM THE STAMP DEALER KOSACK IN BERLIN).

- BRITISH GUYANA, 2 CENTS, PINK, FROM 1850 AND 4 CENTS, BLUE, FROM 1856.

- HAWAII, 2 CENTS, 5 CENTS, 13 CENTS AND 13 CENTS AFFIXED TO A LETTER, ALL STAMPS BLUE FROM 1851/52 (ACQUIRED BY THE REICHS POST MUSEUM IN THE YEAR 1904).

THE ACQUISITION OF THESE POSTAGE STAMPS, PARTICULARLY THE MAURITIUS STAMPS, BY THE REICHS POSTAL MUSEUM CREATED AT THE TIME A GREAT SENSATION IN PHILATELIC CIRCLES. INTERESTED PERSONS FROM AROUND THE WORLD VISITED THE REICHS POSTAL MUSEUM ONLY IN ORDER TO BE ABLE TO VIEW THESE FAMOUS STAMPS. THERE ARE STILL TODAY A NUMBER OF WELL KNOWN PHILATELISTS IN THE GDR WHO OFTEN VIEWED THESE STAMPS IN THE MUSEUM AND WHO ARE PREPARED TO SERVE AS WITNESS THERETO.

THESE EXTREMELY RARE SPECIMENS OF THE COLLECTION WERE LOCKED IN A STEEL CABINET CEMENTED INTO THE WALL OF THE MUSEUM BUILDING. A PHOTOGRAPH OF THE WALL SAFE AND THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BERLIN 09322 01 OF 02 231734Z

STAMPS IT CONTAINED IS SUBMITTED AS ATTACHMENT TO THIS NOTE.

DURING THE SECOND WORLD WAR, THE STAMP COLLECTION AS WELL AS CATALOGS BELONGING TO THE MUSEUM, INCLUDING THE CATALOG OF THE POSTAGE STAMP COLLECTION, WERE EVACUATED TO PROTECT THEM FROM WAR DAMAGE. FROM THIS COLLECTION, WHICH HAD BEEN BROUGHT TO VARIOUS LOCATIONS, THE RECENTLY DISCOVERED POSTAGE STAMPS WERE ILLEGALLY REMOVED.

THE PROPERTY OF THE COLLECTIONS OF THE FORMER REICHS POSTAL MUSEUM WAS TRANSFERRED TO THE GDR AS THE SUCCESSOR STATE OF THE FORMER GERMAN REICH, ON WHOSE TERRITORY THE TREASURES WERE CONFIRMED TO EXIST.

THE GOVERNMENT OF THE GDR HASNOTED THE FACT THAT THE GDR IS ONE OF THE SUCCESSOR STATES OF THE FORMER GERMAN REICH IN SEVERAL STATEMENTS, NOTES AND OPINIONS, INCLUDING THE GOVERNMENT DECLARATION PRESENTED BY THE MINISTER OF FOREIGN AFFAIRS OF THE GDR BEFORE THE VOLKSKAMMER OF THE GDR ON 29 AUGUST 1956.

ACCORDING TO GENERALLY RECOGNIZED NORMS OF INTERNATIONAL
PRESCRIPTIVE LAW, THE PROPERTY OF THE PREDECESSOR STATE
IS TRANSFERRED TO THE SUCCESSOR STATE OR STATES ACCORDING
TO THE PRINCIPLE OF EVIDENCE (BELEGENHEIT). THIS
PRINCIPLE HAS BEEN CONFIRMED SEVERAL TIMES IN THE COURSE
OF THE WORK OF THE INTERNATIONAL LAW COMMISSION OF THE
UNITED NATIONS FOR THE CODIFICATION OF SUCCESSION OF
STATES IN OTHER THAN CONTRACTUAL MATTERS.
IN CONSIDERATION OF THE APPLICABLE LEGAL SITUATION REGARD-
ING THE POSTAGE STAMPS NOTED ABOVE, THE MFA OF THE GDR EX-
PRESSES ITS EXPECTATION THAT THE GOVERNMENT OF THE USA WILL
ARRANGE THAT THE STAMPS BE RETURNED IMMEDIATELY AS MUSEUM
PROPERTY TO THE GDR AS LEGAL OWNER IN ORDER THAT THEY MAY

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 BERLIN 09322 02 OF 02 231324Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 EB-08 USPS-01 /068 W
-----002809 231339Z /53

R 231307Z DEC 77
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC 6329
INFO AMEMBASSY BONN

LIMITED OFFICIAL USE SECTION 02 OF 02 BERLIN 09322

BE RETURNED TO THEIR ORIGINAL LOCATION IN THE POST
MUSEUM TO BE MADE ACCESSIBLE TO THE PUBLIC. COMPLIMENTARY
CLOSING. DECEMBER 20, 1977. END TEXT.

3. ELM HAD NOTHING OF SUBSTANCE TO SAY ON NOTE. IN RES-
PONSE TO QUESTIONS FROM DCM, ELM SAID HE HAD NO INFORMA-
TION ON WHEN PHOTOGRAPH WAS TAKEN AND WHAT EVIDENCE GDR
COULD PROVIDE THAT PHOTOGRAPH WAS ACTUALLY TAKEN IN
REICHS POSTAL MUSEUM. DCM SAID WE WOULD TRANSMIT NOTE AND
PHOTOGRAPH TO DEPARTMENT, ADDING THAT, AS ELM WAS AWARE,
MATTER OF OWNERSHIP OF STAMPS WAS BEING HANDLED IN US
COURT SYSTEM. ELM SAID HE UNDERSTOOD. BOLEN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 23-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BERLIN09322
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780031-0261, D770479-0981
Format: TEL
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771223/aaaaaszo.tel
Line Count: 166
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f9c8cafd-c188-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 BERLIN 8401
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 141797
Secure: OPEN
Status: NATIVE
Subject: GDR MFA NOTE ON DISPUTED MAURITIUS-HAWAII POSTAGE STAMPS.
TAGS: ACLM, GC, GE
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/f9c8cafd-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009